

**UNITED STATES DISTRICT COURT**  
**Eastern District of California**

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

Case Number: **1:20MJ00090-001****JOSEPH A. MUNOZ**

Defendant's Attorney: Ian Hargus, Retained

**THE DEFENDANT:**

- ☒ pleaded guilty to Count(s) One and Three of the Complaint.  
☐ pleaded nolo contendere to count(s)     , which was accepted by the court.  
☐ was found guilty on count(s)      after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
36 C.F.R. §4.14(b)	Carrying/Storing a Bottle, Can, etc. Containing an Alcoholic Beverage that is Open, Has Been Opened, Whose Seal is Broken, or the Contents of Which Have Been Partially Removed	July 12, 2020	One
36 C.F.R. §4.23(a)(2)	Driving a Motor Vehicle with an Alcohol Concentration in the Operator's Blood or Breath is 0.08 Grams or More of Alcohol per 100 Milliliters of Blood	July 12, 2020	Three

The defendant is sentenced as provided in pages 2 through      of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s)     .  
☒ Count(s) Two is dismissed on the motion of the United States.  
☐ Indictment is to be dismissed by District Court on motion of the United States.  
☐ Appeal rights given. ☒ Appeal rights waived.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution or fine, the defendant must notify the court and United States attorney of material changes in economic circumstances.

**11/19/2020**

Date of Imposition of Judgment



Signature of Judicial Officer

**Stanley A. Boone**, United States Magistrate Judge

Name &amp; Title of Judicial Officer

11/20/2020

Date

DEFENDANT: **JOSEPH A. MUNOZ**

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CASE NUMBER: **1:20MJ00090-001****IMPRISONMENT**

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:  
1 day with credit for 1 day of time served.

- ☐ No TSR: Defendant shall cooperate in the collection of DNA.
- ☐ The court makes the following recommendations to the Bureau of Prisons:
- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district
- ☐ at \_\_\_\_ on \_\_\_\_.
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before \_\_\_\_ on \_\_\_\_.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Officer.
- If no such institution has been designated, to the United States Marshal for this district.

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
United States Marshal

\_\_\_\_\_  
By Deputy United States Marshal

**PROBATION**

The defendant is hereby sentenced to probation for a term of:

12 months to expire on 11/19/2021.

If this judgment imposes a fine, special assessment, processing fee or restitution, it is a condition of probation that Defendant pay in accordance with the Schedule of Payments sheet of this judgment.

While on probation, the defendant shall be subject to and must comply with the following conditions of probation:

**CONDITIONS OF PROBATION**

1. The defendant's probation shall be unsupervised by the probation office.
2. The defendant is ordered to obey all federal, state, and local laws.
3. The defendant shall notify the court and, if represented by Counsel, your counsel of any change of address and contact number.
4. The defendant shall pay a fine of \$1,200.00 and a special assessment of \$10.00 for a total financial obligation of \$1,210.00, with monthly payments of \$121.00 per month commencing on 12/15/2020, and each month thereafter by the 15th of the month until paid in full. Payments shall be made payable to the Clerk, U.S.D.C., and mailed to:

CLERK U.S.D.C.  
2500 Tulare Street, Rm 1501  
Fresno, CA 93721

5. The defendant is committed to the custody of the United States Bureau of Prisons to be imprisoned for a total of ONE day, with credit for time served.
6. The defendant shall attend and complete the First Time DUI Offender Program through the California Department of Motor Vehicles. The defendant shall complete the program by 6/30/2021.
7. The defendant is ordered to personally appear for a Probation Review Hearing on 9/16/2021 at 10:00 am before U.S. Magistrate Judge Stanley A. Boone.

A status report regarding the Defendant's performance on probation shall be filed 14 days prior to the Probation Review.

8. Pursuant to 18 USC § 3572(d)(3), while on probation and subject to any financial obligation of probation, defendant shall notify the court of any material change in defendant's economic circumstances that might affect defendant's ability to pay the full financial obligation.

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

**TOTALS**

<u>Processing Fee</u>	<u>Assessment</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>	<u>Fine</u>	<u>Restitution</u>
	\$10.00			\$1,200.00	

☐ The determination of restitution is deferred until \_\_\_\_ . An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ The interest requirement is waived for the ☐ fine ☐ restitution

☐ The interest requirement for the ☐ fine ☐ restitution is modified as follows:

☐ If incarcerated, payment of the fine is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.

☐ If incarcerated, payment of the restitution is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299

\*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A. ☐ Lump sum payment of \$ \_\_\_\_ due immediately, balance due  
☐ Not later than \_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B. ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C. ☒ Payments in equal installments of \$121.00 commencing on 12/15/2020 until paid in full. \_\_\_\_ (e.g. 30 or 60 days) after the date of this judgment; or
- D. ☐ Payment in equal \_\_\_\_ (e.g. weekly, monthly, quarterly) installments of \$ \_\_\_\_ over a period of \_\_\_\_ (e.g. months or years), to commence \_\_\_\_ (e.g. 30 or 60 days) after release from imprisonment to a term of supervision; or
- E. ☐ Payment during the term of supervised release/probation will commence within \_\_\_\_ (e.g. 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendants ability to pay at that time; or
- F. ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate:

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States: The Preliminary Order of Forfeiture is hereby made final as to this defendant and shall be incorporated into the Judgment.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.